

**Kansas Corporation Commission**  
**Commission Meeting**  
**January 29, 2015**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on January 29, 2015 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Albrecht, Commissioner Emler and Commissioner Apple.

The following were considered by the Commission:

1. **Consent Agenda.** Commissioner Emler moved for approval of the Consent Agenda: All other listed matters as presented for January 29, 2015 on the 6 page document attached hereto as "Attachment A," which is included by reference herein were approved with the exception of Docket #15-TRAM-201-PEN which was requested to be removed by litigation counsel. Commissioner Apple seconded the Motion. Commissioner Albrecht concurred. Motion was approved.

2. **Noticed:**

- A. **Docket No. 14-CONS-927-CUIC, *In the Matter of the Application of Hawkins Oil, LLC, to authorize the injection of salt water into the Arbuckle Formation at the Scully A Lease, Well No. 3, located in the N/2 N/2 SE SW of Section 21, Township 27 South, Range 4 East, Butler County, Kansas.***

Commissioner Emler moved for approval of order #15-0372, *Order on Reconsideration*, Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved.

- B. **Docket No. 15-CONS-361-CSHO, *In the matter of an Order to Show Cause issued to Don Erbert dba Don Erbert Oil Company and Tom Raney dba Raney Oil Co. regarding responsibility under K.S.A. 55-179 for plugging the Urie #1 well in Ellis County, Kansas.***

Commissioner Emler moved for approval of order #15-0371, *Order Granting Motion to Dismiss*. Commissioner Apple seconded. Commissioner Albrecht concurred. Motion was approved.

- C. **Docket No. 14-ATMG-221-TAR, *In the Matter of the Application of Atmos Energy 66-2201 through 66-2204.***

Commissioner Emler moved for approval of order #15-0358, *Order Granting Atmos Energy's Petition for Reconsideration*. Commissioner Apple seconded. Commissioner Albrecht concurred. Motion was approved.

**D. Docket No. 15-WSEE-188-MIS, *In the Matter of the Notice and Application of Westar Energy, Inc. and Kansas Gas and Electric Company for a Limited Waiver of the Billing Standards***

Commissioner Apple moved for approval of order #15-0325, *Order Denying Application (No deadline)*. Commissioner Emler seconded. Commissioner Albrecht concurred. Motion was approved.

**3. Other matters:**

- A. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, to obtain legal advice, for a period of 15 minutes. Also called into the Executive Session was Assistant General Counsel, Brian Fedotin, Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:19 a.m. and reconvened in public session at 10:34 a.m.

No action was taken.

- B. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, to obtain legal advice, for a period of 30 minutes. Also called into the Executive Session was Litigation Counsel, Sam Feather and Andrew French, Utilities Director, Jeff McClanahan. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:35 a.m. and reconvened in public session at 11:05 a.m.

Commissioner Apple stated " The proposed rule by the Environmental Protection Agency concerning section 111(d) of the Clean Air Act is scheduled to become a final rule the summer of 2015. This rule presents many regulatory challenges for the State of Kansas. The KCC desires to help create a regulatory path forward that will improve the regulatory process and lead to a work product that identifies the lowest cost options, that are viable, to comply with the federal mandates. The Commission is also concerned about the impact on reliability of our electrical transmission and generation facilities". Commissioner Apple moved that after review, the Commission support the proposed legislation, 15rs0624, and authorizes staff to advocate for passage of the proposed legislation during the 2015 Kansas Legislative Session. Commissioner Emler seconded the motion. Commissioner Albrecht concurred. Motion was approved.

- C. Chair Albrecht moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 30 minutes. Also called into the Executive Session was Assistant General Counsel , Jay Van Blaricum, PACP Director, Jesse Borjon, Danelle Harsin, HR Director. Commissioner Emler seconded. Commissioner Albrecht concurred. Motion was approved.

The Commission moved into Executive Session at 11:08 a.m. and reconvened in public session at 11:38 a.m.

No action was taken.

- D. Chair Albrecht moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 20 minutes. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session 11:40 a.m. and reconvened in public session at 12:00 p.m.

No action was taken.

There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting, Commissioner Emler seconded the Motion, Commissioner Albrecht concurred, the Motion was granted, the Commission adjourned at 12:00 p.m.

Respectfully submitted,

  
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Neysa Thomas  
Acting Secretary

  
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Shari Feist Albrecht, Chair

  
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Jay Scott Emler, Commissioner

  
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Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, January 29, 2015

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Commission Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Commission Meeting agenda for discussion.

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Giant Communications, Inc. Requesting Provisional Designation as an Eligible Telecommunications Carrier. <b>Order Granting ETC Designation in 85 Census Blocks</b>	15-GCIT-203-ETC	
2	In the Matter of the Cancellation of the Certificate of Convenience and Authority Previously Granted to Nexus Communications, Inc. for Switched Local Exchange Telecommunications Service <b>Order Cancelling Certificate</b>	15-NXCT-278-CCS	
3	In the Matter of a General Investigation of Net One International, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. <b>Order to Show Cause Net One</b>	15-NOIC-316-SHO	
4	In the Matter of a General Investigation of NTS Communications, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. <b>Order to Show Cause NTS</b>	15-NTSC-317-SHO	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Southern Pioneer Electric Company for a Certificate of Convenience and Authority to Transact the Business of a(n) electric Public Utility in the State of Kansas. NW ¼ in Section 18, Township 35S, Range 11 W-West of the 6th PM in Barber County, Kansas <b><i>Certificate</i></b>	15-SPEE-248-COC	
6	In the Matter of the Application of Alfalfa Electric Cooperative, Inc. for Permission to Cease Operating as(n) Electric Public Utility in the State of Kansas. NW ¼ in Section 18, Township 35S, Range 11-W-West of the 6th PM in Barber County, Kansas <b><i>Order</i></b>	15-AFLE-249-CCS	
7	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval for 2015 Ad Valorem Tax Surcharge Rider Tariff. <b><i>Order Approving Ad Valorem Tax Surcharge Rider</i></b>	15-PLCE-276-TAR	
8	In the Matter of the Application of Alfalfa Electric Cooperative, Inc. for Permission to Cease Operating as an Electric Public Utility in the State of Kansas. Section 15, 16, 17, and 18, Township 35S, Range 11W-West of the 6th PM in Barber County, Kansas <b><i>Order</i></b>	15-AFLE-298-CCS	
9	In the Matter of the Application of Southern Pioneer Electric Company for Certificate of Convenience and Authority to Transact the Business of a Electric Public Utility in the State of Kansas. Section 15, 16, 17, and 18, Township 35S, Range 11 W-West of the 6th in Barber County, Kansas <b><i>Certificate</i></b>	15-SPEE-299-COC	
10	In the Matter of ONEOK NGL Pipeline, L.L.C. Seeking Commission Approval for K.C.C. Tariff No. 9 <b><i>Suspension Order</i></b>	15-ONEP-297-TAR	
11	In the Matter of the Investigation of BDA, Inc. of Wichita, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b><i>Order Suspending Intrastate Motor Carrier Operations</i></b>	15-TRAM-201-PEN	✓
12	In the Matter of the Application of Colt Energy, Inc. for an Order Granting an Exception of K.A.R. 82-3-108 with regard to Field-Wide Rules Allowing Increased Density Spacing for Oil Wells Located on Certain Acreage in Woodson County, Kansas. <b><i>Order Granting Application</i></b>	15-CONS-457-CWLE	
13	In the matter of the failure of Mustang Fuel Corporation ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Muir #1-13H in Saline County, Kansas. <b><i>Penalty Order - Mustang Fuel Corporation</i></b>	15-CONS-588-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the failure of Drake Exploration, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Snyder #4 and McLaughlin #D-1 in Cowley and Sumner County, Kansas. <b>Penalty Order - Drake Exploration, LLC</b>	15-CONS-589-CPEN	
15	In the matter of the failure of Dunne Equities Operating, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the P. Jones #3 in Pratt County, Kansas. <b>Penalty Order - Dunne Equities Operating, Inc.</b>	15-CONS-590-CPEN	
16	In the matter of the failure of Heavy Oil Treatment Solutions, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Robbins #10 and Robbins #14 in Leavenworth County, Kansas. <b>Penalty Order - Heavy Oil Treatment Solutions, LLC</b>	15-CONS-591-CPEN	
17	In the matter of the failure of JBM Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the South Moldenhaur #W130 in Franklin County, Kansas. <b>Penalty Order - JBM Oil, LLC</b>	15-CONS-592-CPEN	
18	In the matter of the failure of Kansas Petroleum Resources, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Ensz #1 in Butler County, Kansas. <b>Penalty Order - Kansas Petroleum Resources, LLC</b>	15-CONS-593-CPEN	
19	In the matter of the failure of Prolific Resources LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Roesler #1 in Pawnee County, Kansas. <b>Penalty Order - Prolific Resources LLC</b>	15-CONS-594-CPEN	
20	In the matter of the failure of Owens Petroleum LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Holloway-4 #11 in Woodson County, Kansas. <b>Penalty Order - Owens Petroleum LLC</b>	15-CONS-595-CPEN	
21	In the matter of the failure of Peoples Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Tyson #6 in Linn County, Kansas. <b>Penalty Order - Peoples Oil, LLC</b>	15-CONS-596-CPEN	
22	In the matter of the failure of SCZ Resources, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at 23 wells Allen, Miami, and Neosho Counties, Kansas. <b>Penalty Order - SCZ Resources, LLC</b>	15-CONS-597-CPEN	
23	In the matter of the failure of Southwind Petroleum Corp. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Dirks #27-1 in Rush County, Kansas. <b>Penalty Order - Southwind Petroleum Corp.</b>	15-CONS-598-CPEN	

**Consent Agenda**

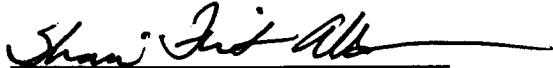
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
24	In the matter of the failure of Tailwater, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the North Kempnich #52-T in Anderson County, Kansas. <b>Penalty Order - Tailwater, Inc.</b>	15-CONS-599-CPEN	
25	In the matter of the failure of Jimmie J. Uhls ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Copper Penny #8A in Chautauqua County, Kansas. <b>Penalty Order - Jimmie J. Uhls</b>	15-CONS-600-CPEN	
26	In the matter of the failure of Mike Becker ("Operator") to comply with K.A.R. 82-3-608 at the Neighbaum #1 well in Labette County, Kansas. <b>Penalty Order - Mike Becker</b>	15-CONS-617-CPEN	
27	In the matter of the failure of Hawkins Oil, LLC ("Operator") to comply with K.A.R. 82-3-608 at the JW Smith #1-B well in Butler County, Kansas. <b>Penalty Order - Hawkins Oil, LLC</b>	15-CONS-619-CPEN	
28	In the matter of the failure of Herman L. Loeb, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Hinz #3-26 and School Trust #20-5 wells in Barber County, Kansas. <b>Penalty Order - Herman L. Loeb, LLC</b>	15-CONS-620-CPEN	
29	In the matter of the failure of Infinity Producers, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Jaco #4 well in Ellis County, Kansas. <b>Penalty Order - Infinity Producers, LLC</b>	15-CONS-621-CPEN	
30	In the matter of the failure of Palmer Oil, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Laura #21-2 well in Stevens County, Kansas. <b>Penalty Order - Palmer Oil, Inc.</b>	15-CONS-622-CPEN	
31	In the matter of the failure of Prolific Resources LLC ("Operator") to comply with K.A.R. 82-3-608 at the Miessler #2 well in Rice County, Kansas. <b>Penalty Order - Prolific Resources LLC</b>	15-CONS-623-CPEN	
32	In the matter of the failure of Seneca Resources Corporation ("Operator") to comply with K.A.R. 82-3-608 at the Greengroup #14A-SWD, Greengroup #14A-1H, Bock #3-SWD and Bock #3-1H wells in Pratt County, Kansas. <b>Penalty Order - Seneca Resources Corporation</b>	15-CONS-624-CPEN	
33	In the matter of the failure of Wilton Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Dowell I #2 well in Gove County, Kansas. <b>Penalty Order - Wilton Petroleum, Inc.</b>	15-CONS-625-CPEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
34	In the matter of the failure of Ring Energy, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Faris Trust 35 #1 in Finney County, Kansas. <i>Penalty Order - Ring Energy, Inc.</i>	15-CONS-626-CPEN	
35	In the matter of the failure of Kansas Resource Exploration & Development, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Cartwright #KR-22 in Miami County, Kansas. <i>Penalty Order - Kansas Resource Exploration &amp; Development, LLC</i>	15-CONS-627-CPEN	
36	In the matter of the failure of Justin Energy Corporation ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the R&M Hoehn #2 in Franklin County, Kansas. <i>Penalty Order - Justin Energy Corporation</i>	15-CONS-628-CPEN	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Neysa Thomas  
Acting Secretary